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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 10th April 2012

No. 2831—li/1(B)-81/2004(Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 29th November 2011 in Industrial Dispute Case No. 11 of 2005 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Prajatantra Prachar Samity, Prajatantra Bhawan, Cuttack and their Workman Shri Rabinarayan Panda, Assistant Librarian was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 11 OF 2005

Dated the 29th November 2011

Present :

S. A. K. Z. Ahamed,
Presiding Officer,
Labour Court, Bhubaneswar.

Between :

The Management of
M/s Prajatantra Prachar Samity,
Prajatantra Bhawan, Cuttack.

.. First-party—Management

And

Their Workman
Shri Rabinarayan Panda,
Assistant Librarian.

.. Second-party—Workman

Appearances :

None

.. For the First-party—Management

Shri R. N. Panda

.. For the Second-party—Workman:
himself.

AWARD

The Government of Odisha in exercise of powers conferred by sub-section (5) of Section 12, read with Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act have referred the matter in dispute to this Court vide Order No. 3011—li/1(B)-81/2004-LE., dated the 19th March 2005 of the Labour & Employment Department, Bhubaneswar for adjudication.

2. The terms of reference is as follows :

"Whether the termination of services of Shri Rabinarayan Panda, Assistant Librarian with effect from the 11th June 2003 by the management of M/s Prajatantra Prachar Samity, Prajatantra Bhawan, Cuttack-2 is legal and/or justified ? If not, what relief Shri Panda is entitled to?"

3. The case of the workman, in brief, as set out in his statement of claim is that he initially joined as Librarian by the management with effect from the 11th February 1987. Subsequently he was confirmed in the said post. On Dt. 22-11-2002 the workman was placed under suspension while he was working in the head office of the management and on Dt. 4-12-2002 a charge-sheet was communicated to him. After receipt of the charge-sheet, the workman submitted his explanation wherein he has requested for supplying of relevant documents but no document was supplied to him by the management. Thereafter on Dt. 14-12-2002 one Shri Ramesh Chandra Behera, Advocate was appointed as Enquiry Officer who served a notice on Dt. 28-12-2002 to the workman fixing the date of enquiry to Dt. 7-1-2003. In the date of enquiry the workman was present and also requested the Enquiry Officer to supply the relevant documents to defend his case but the Enquiry Officer also did not supply the documents to the workman. The Enquiry Officer has also neither permitted the workman to cross-examine the management witnesses nor he was allowed to give his defence witness. On Dt. 30-4-2003 the management communicated a letter directing the workman to submit his show cause within five days against the proposed punishment of discharge from service. Thereafter the workman on Dt. 7-5-2003 has submitted his show cause and stated that the enquiry has not been conducted fairly and properly and no document has been produced by the management during the enquiry and the workman was not allowed to cross-examine the management witnesses. But without considering the explanation of the workman, the management on Dt. 11-6-2003 discharged him from service alleging that the charges have been duly proved. So according to the workman, the domestic enquiry conducted by the management was not fair and proper and also against the principles of natural justice. So the workman has prayed for his reinstatement in service with full back wages.

4. The management was set *ex parte*.

5. In order to substantiate his plea, the workman has examined himself as W.W. 1 and proved the documents under the cover of Exts. 1 to 14.

6. On perusal of the oral and documentary evidence, it clearly shows that the management has not followed the principles of natural justice while conducting the domestic enquiry against the workman. So the domestic enquiry conducted by the management against the workman appears to be not fair and proper.

7. So on careful consideration of all the materials available in the case record as discussed above and in view of the unchallenged testimony of the workman, I came to the finding that the termination of services of the workman with effect from the 11th June 2003 by the management is neither legal nor justified. So the workman is entitled to be reinstated in service with full back wages.

8. Hence, it is Ordered :

That the termination of services of Shri Rabinarayan Panda, Assistant Librarian with effect from the 11th June 2003 by the management of M/s Prajatantra Prachar Samity, Prajatantra Bhawan, Cuttack-2 is illegal and unjustified. The workman Shri Panda is entitled to be reinstated in service with full back wages. The management is directed to implement this Award within a period of two months from the date of its publication failing which, the amount shall carry interest at the rate of 10% per annum till its realisation.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S. A. K. Z. AHAMED

29-11-2011

Presiding Officer

Labour Court, Bhubaneswar

S. A. K. Z. AHAMED

29-11-2011

Presiding Officer

Labour Court, Bhubaneswar

By order of the Governor

T. K. PANDA

Under-Secretary to Government